

REMARKS/ARGUMENTS***Status of Claims***

Claims 1-6, 8, and 11-15 were previously canceled.

Claims 26-32 are withdrawn.

Claims 7, 9, 10, and 16-25 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claim Rejections – 35 U.S.C. § 102

Claims 7, 9, 10, and 16-25 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Deaton* (U.S. Patent No. 5,649,114). According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Independent claim 7, from which claims 9, 10, and 16-25 depend, is not anticipated by *Deaton*.

Claim 7 is Not Anticipated by Deaton.

Applicant respectfully asserts that *Deaton* does not teach the “*real time* generation and provision *to a customer* of a customer incentive report *remote* from a point of sale,” as recited in claim 7 (emphasis added). The Office Action states, “[w]ith respect to claim 7, Deaton teaches method of improving customer loyalty via real time generation and provision of a customer incentive report [*remote*] from a point of sale (column 4, lines 57-60)” See Office Action at 4 (emphasis added). For ease of reference, *Deaton*, col. 4, lines 57-60 is reproduced below:

intervals), and to improve a store’s marketing and other customer relations programs by collecting transactional data for that store, both current and historical, that can be used to identify new or infrequent customers, develop customer

see *Deaton* at col. 4, lines 57-60. As can easily be seen, this portion of text cited by the Examiner has nothing to do with the “*real time* generation and provision *to a customer* of a customer incentive report *remote* from a point of sale,” as recited in claim 7. Furthermore, *Deaton*’s teachings regarding its provision of coupons are limited in two ways that prevent *Deaton* from anticipating claim 7.

First, *Deaton* teaches that its coupons are provided at the point-of-sale, not at a location remote from the point-of-sale. See *Deaton* at ABSTRACT; see also Figures 17-45B (all figures are directed to the point of sale); col. 70, lines 30-31; col. 73, lines 55-60 (“FIGS. 19-45A-B illustrate various apparatus and program flow diagrams of a system which not only performs automatic payment processing of a customer’s payment at the POS but also generates automatic targeted marketing to the customer at the POS . . . ”). Thus, in its preferred embodiment, *Deaton* cannot anticipate claim 7’s element concerning the provision of “a customer incentive report remote from a point of sale.” See *supra* at 2, claim 7.

Second, while *Deaton* includes a limited discussion regarding generating coupons to be mailed to customers that arguably could be read as the “provision to a customer of a customer incentive report remote from a point of sale,” this liberal reading is not enough to anticipate claim 7. See *Deaton* at col. 58, line 42 – col. 70, line 28. *Deaton*’s disclosure regarding the mailing of coupons does not anticipate claim 7 because *Deaton*’s disclosure regarding the mailing coupons, on its face, precludes the “*real time* generation and provision *to a customer* of a customer incentive report.” See *supra* at 2, claim 7. Because *Deaton* teaches that its coupons are to be mailed, the coupons cannot be provided to the customer in real time upon generation. See, e.g., *Deaton* at col. 63, lines 38-39 (“the store can then mail out direct mail enticements to the customer . . . ”); and col. 65, lines 22-24 (“coupons or other enticements can be mailed directly to customers . . . ”).

Because claim 7 is not anticipated by *Deaton*, it is presented in allowable condition. Additionally, because claims 9, 10 and 16-25 are dependent on amended claim 7, claims 9, 10 and 16-25 are also presented in allowable condition.

CONCLUSION

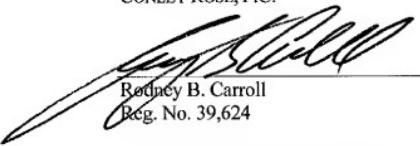
Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicants. It is believed that each ground of rejection raised in the Office Action dated April 30, 2008 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date:

7-30-08


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